

FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

FILE

OFFICE OF
MANAGING DIRECTOR

AUG 16 2004

Edward F. Stanley
President
Standef Broadcasting Corp. of ND
Post Office Box 758
Lake Placid, FL 33862

Re: Regulatory Fee for Fiscal Year 2003
Fee Control No: 00000RROG-04-058.
Bill No. 04RE002807

Dear Mr. Stanley:

This is in response to your request dated June 2, 2004 for waiver of a late payment penalty associated with the fiscal year (FY) 2003 regulatory fee for Standef Broadcasting Corp of ND (Standef). Our records reflect that we have not yet received your regulatory fee of \$365.00 or your late payment penalty of \$91.25. In your letter, you state that you never received a bill for your regulatory fee and therefore you request a waiver of the late payment penalty.

The Commission's rules are clear that licensees such as Standef are required to pay to the Commission an annual regulatory fee in a timely manner. *See* 47 C.F.R. §1.1157; *see also Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15, 985 (2003) (2003 Report and Order); 47 U.S.C. §159. It is the obligation of the licensees responsible for regulatory fee payments to ensure the Commission receives the fee payment no later than the final date on which regulatory fees are due for the year. The Commission issued public notices announcing the date on which the FY 2003 regulatory fees were due. *See* Public Notice, *Regulatory Fees Due September 24, 2003*, DA 03-2557 (July 30, 2003); Public Notice, *Federal Communications Commission Extends the Filing Deadline Date of FY 2003 Regulatory Fee*, DA 03-2907 (Sept. 22, 2003) (extending deadline to September 25, 2003). *See* 47 C.F.R. § 1.1157.

As a Commission licensee, Standef is charged with the responsibility to familiarize itself with the Commission's rules and requirements. Therefore, Standef's lack of familiarity with the Commission's rules governing and public notices concerning regulatory fee payments does not mitigate or excuse Standef's failure to pay the FY 2003 regulatory fee in a timely manner. The Commission has repeatedly held that "[l]icensees are expected to know and comply with the Commission's rules and regulations and will not be excused for violations thereof, absent clear mitigating circumstances. *Sitka Broadcasting Co., Inc.*, 70 FCC 2d 2375, 2378 (1979), *citing Lowndes County Broadcasting Co.*, 23 FCC 2d 91 (1970) and *Emporium Broadcasting Co.*, 23 FCC 2d 868 (1970).

Edward F. Stanley, President

2.

The Communications Act of 1934, as amended, requires the Commission to assess a late payment penalty of 25 percent on any regulatory fee not paid in a timely manner. We find that Standef Broadcasting Corp. did not meet its obligation to file its regulatory fees to be timely received by the Commission by September 25, 2003, the final date of the regulatory fee filing window for FY 2003. We therefore deny your request for waiver of the penalty for late payment of your FY 2003 regulatory fees.

In addition, you have also requested a review of the base regulatory fee of \$365.00, stating that the population of Rolla, ND is only 1286. Standef's regulatory fee in question is for call sign K261BA, an FM translator station. Unlike FM radio stations whose fees are calculated based on class of station and population served, FM translators are billed a flat regulatory fee, regardless of the population. See *Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, Report and Order, 18 FCC Rcd 15, 985 (2003) (2003 Report and Order), Attachment D. See also, *Regulatory Fees Fact Sheet*, July 2002, "What You Owe - Media Services Licensees, p. 4) Therefore, the base regulatory fee is correct.

Payment of Standef Broadcasting Corp. of ND's FY 2003 regulatory fee of \$365 and late payment penalty of \$91.25, for a total of \$458.25, are now due. The payment must be filed, together with a copy of Bill No. 04RE002807, within 30 days of the date of this letter. As we indicated in an e-mail on June 15, 2003, that bill contains a typographical error and the call sign should read: R261BA. We apologize for any confusion that may have caused. If you have any questions concerning this matter, please contact the Revenue and Receivables Operations Group at (202) 418-1995.

Sincerely,



Mark A. Reger
Chief Financial Officer



000002R06-04-058

June 2, 2004

Tom Putnam
FCC
Washington DC

202-418-2843

Mr. Putnam:

I received a CORES communication under Cores #0010-2994-85 apparantly for regulatory fees for our translator in Rolla, ND # K261BA

This invoice says the Call sign is 04RE003B10 (Invoice attached to this Fax)

Standef Broadcasting already has a CORES # 008571671 Registered on 3/7/2003

Since we have never received a bill, we hereby request a waiver on the penalty fee of \$91.25.

The population of Rolla, ND is only 1286 and we also request a review of the base regulatory fee of \$365.00 if that is the correct fee for this town and population.

I can be reached at the following:

Voice 863-531-0102
Fax 863-531-0103
E-Mail sbc48@hotmail.com

Thank you in advance for the attention to this request.

Edward F. Stanley

President
Standef Broadcasting Corp of ND



Federal Communications Commission
Washington, D.C. 20554
2/13/2004

STANDEF BROADCASTING CORP. OF ND
RT 4, BOX 493A
SNOW HILL, NC 28504

Re: 04RE002807

Dear Licensee:

This letter is in reference to the annual 2003 regulatory fee(s), which were due to the Federal Communications Commission (Commission) by no later than September 26, 2003. This is a mandatory fee established by Congress in accordance with The Omnibus Budget Reconciliation Act of 1993. The fees are used to offset costs associated with the Commission's enforcement, public service, international and policy and rulemaking activities.

The Commission is currently verifying its FY 2003 Mass Media Bureau regulatory fees collection to identify those regulatees who have not paid. Our research indicates that we have no record of your 2003 regulatory fee payment for the following call sign:

K261BA

The amount now due is \$365.00 plus 25% penalty of \$91.25 for late payment of the fee(s). The total amount now due is \$456.25. Payment in full should be remitted with the enclosed Form 159 to: **Federal Communications Commission, P.O. Box 358835, Pittsburgh, PA 15251-5835 within thirty (30) days of the date of this letter.** You should submit all payments that may be due including the 25% penalty for each call sign. To obtain a copy of the Public Notice for further instructions, go www.fcc.gov and click on "Fees." Then click on Regulatory Fees and locate your particular service.

If payment has been made, please provide a complete copy of your submission including proof of payment. If you believe you are not obligated to pay under the Commission's rules, please submit complete documentation supporting your position **within thirty (30) days of the date of this letter.** These documents should be sent to: **Federal Communications Commission, Revenue & Receivables Operations Group, Room 1A821, 445 12th Street, SW, Washington, DC 20554.**

We urge you to verify that proper payment was made to the Commission for this or any other call sign in past years. If you find that you were responsible for this payment but neglected to provide it in a past year, please remit those additional fees plus a 25% penalty before additional administrative action is undertaken.

You are cautioned that failure to respond and/or pay the penalty will subject you to further sanctions as defined by CFR Section 1.1164 of our Rules. These sanctions include subjecting the delinquent payer's pending applications to dismissal, and may require a delinquent payer to show cause why its existing instrument of authorization should not be revoked. Further sanctions include interest charges, and the full cost of collection to the Federal Government pursuant to Section 3720A of the Internal Revenue Code and the provisions of the Debt Collection Improvement Act of 1996.

If you need further assistance, please contact the Revenue & Receivables Operations Group at (202) 418-1995.

Sincerely,


Claudette E. Pride, Chief
Revenue & Receivables Operations Group

Enclosure

**Federal Communications Commission
BILL FOR COLLECTION**

FOR INQUIRIES CALL
1-202-418-1995
(Revenue & Receivable Ops Group)

Bill Number		Current Bill Date
04RE002807		2/13/04
PAYER FRN#	APPLICANT FRN#	
	0008571671	

Standef Broadcasting Corp.
P.O. Box 758

Lake Placid, FL 33862

Payable to:
Federal Communications Commission

Send a copy of this bill to:
Federal Communications Commission
REVENUE & RECEIVABLE OPER.
P.O. BOX 358340
PITTSBURGH, PA 15251-8340

Total Amount Due		Due Date
\$456.25	Total Amount Due Must Be Received By	3/13/04

SPECIAL INSTRUCTIONS (OPTIONAL)

PAYER FCC REGISTRATION NUMBER (FRN) REQUIRED

MB FY03 Non-Payment 0399 Late Fee \$ 91.25

FCCN: CALL SIGN: 04RE003810

PAYER ADDRESS:

Please write your bill number on your remittance.
Please attach a copy of this bill to your payment to ensure proper credit.

PTC	Quantity	Fee Due
0368	0	\$365.00
Total Due		\$456.25

Payment Method: Check ☐ (Attach)
Credit Card ☐ (Complete Below)

☐ MasterCard ☐ American Express
☐ VISA ☐ Discover

Account No:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Expiration:

Month		Year	

I hereby authorize the FCC to charge my Credit Card for the service(s) / authorization(s) herein described.

AUTHORIZED SIGNATURE

DATE